IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 21245 of 2006(D)

AGAINST THE ORDER IN EP. 17/2004 IN
OS.1565/2002 of MUNSIFF COURT, KOLENCHERRRY

.....

PETITIONER:

SKARIA, VARAKUKALIYIL, AGED 65 YEARS,
B & B BHAVAN, FRIENDS COLONY, THIRUVAMKULAM.
NOW RESIDING: VARAKULAKALIYIL B & B BAVAN,
PERINGOL, KOLENCHERY.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENTS:

RAMACHANDRA MENON,
S/O.RAMAKRISHNAN NAIR, KRISHNA VILAS,
BRIDGE ROAD, ALUVA KARA, ALUVA WEST VILLAGE.

BY ADV. SRI.T.M.CHANDRAN
SRI.V.A.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

EXHIBITS OF PETITIONER:

EXT.P1: COPY OF EP 17/04 DT. 12/10/2004

EXT.P2: COPY OF IA 6476/06 IN OS 1565/02 DT.20/7/06

EXHIBIYS OF RESPONDENT

EXT.R(a): COPY OF OBJECTION DT.5.8.05 FILED BY PETITIONER/JD

//True copy//

SHW TO JUDGE.

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 21245 OF 2006

Dated 12th December 2006

JUDGMENT

Petitioner is defendant in O.S.1565/02 on the file of Munsiff court, Ernakulam. Suit was decreed ex-parte. Decree was subsequently transferred to Munsiff court, Kolencherry. Petitioner filed I.A.6476/06 an application under Order IX Rule 13 of Code of Civil Procedure to set aside ex-parte decree on 22/7/2006. It is pending before Munsiff court, Ernakulam. Petitioner also filed I.A.7889/06 an application for stay of execution of the decree. It is also pending. Learned counsel appearing for respondent submits that respondent did not receive notice in either of the applications. Petitioner is directed to take steps immediately before Munsiff court to serve notice on respondent or to serve notice on the counsel appearing for respondent.

2. Learned Munsiff is directed to dispose the applications as expeditiously as possible and in any event within 30 days from the date of receipt of copy

of this judgment.

Writ petition is disposed of accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.